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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/361,548      | 07/27/1999  | DAVID H. MCMURTRY    | SA9-99-032          | 5659             |

28722 7590 03/12/2004

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| EXAMINER |
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KOYAMA, KUMIKO C

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| ART UNIT | PAPER NUMBER |
|----------|--------------|

2876

DATE MAILED: 03/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                                      |  |  |
|------------------------------|--------------------------------------|--|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>09/361,548 | <b>Applicant(s)</b><br>MCMURTRY ET AL. |  |
|                              | <b>Examiner</b><br>Kumiko C. Koyama  | <b>Art Unit</b><br>2876                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 10 December 2003.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-4,6,8,9,13-15,18-21 and 25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4,6,8,9,13-15,18-21 and 25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

Acknowledgement is made of receipt of Amendment filed on December 10, 2003.

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4, 6, 8, 9, 13-15, 18-21 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goldenfield et al (US 4,960,984) in view of Uhling (US 5,984,193) and Allais (US 4,794,239).

Re claims 1-4, 6, 9, 13, 15, 18-21 and 25: Goldenfield teaches a rod 10, which is a body having an axis of rotation, having a bar code 14 corresponding to a serial number (col 4, lines 7-12 and Fig. 2). The rod 10 includes three bar codes 14 spaced apart in a radial manner from the axis to define an arcuate array as shown in the configuration in Fig. 5. The bar code 14 is an array of bars and spaces. Goldenfield also teaches that the bar code is laser etched (col 5, lines 38-40). Goldenfield also teaches a human-readable version of the serial number is etched onto the rod in an arcuate manner (Fig. 6 and col 4, lines 40-41).

Goldenfield fails to teach that the code is a 10 X 10 matrix .

Uhling teaches a single tile 36, which have bi-directional bar codes, containing an encoded value that is scannable. The tile is a 10 by 10 matrix of square pixels (col 3, lines 20-

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25). Uhling also teaches that the pattern may have different patterns printed to different portions of the item (col 2, lines 62-63).

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to integrate the teachings of Uhling to the teachings of Goldenfield in order to provide a bi-directionally scannable bar code such that the bar code can be read despite the direction in which the rod was inserted into the reader, which enhances the bar code reading technique.

Goldenfield as modified by Uhling fails to teach that the first one of the codes encodes a first one of the order characters, a second one of the codes encodes a second one of the order characters, and the unique characters are divided among and encoded by the codes following said ones of the order characters.

Allais teaches a bar code symbology comprising a plurality of ordered rows of bar coded information, which serves as machine-readable codes. The bar coded information in each of the plurality of rows consists of an array of code words, which serves as ordered characters. Allais discloses that each code word representing at least one information-bearing character and being selectable in even or odd parity form, which teaches that first one of the array codes encodes a first one of the order characters and a second one of the array codes encodes a second one of the order characters and third one of the array codes encodes a third one of the order characters. Allais also discloses that at least one of the plurality of characters in each row bearing information regarding the remainder of the characters in that row, which serves as unique characters are divided among and encoded by the array codes following the one of the ordered characters (col 5, lines 22-38). Allais discloses that the bar code is attached to a body/object and

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teaches a group of words to identify the object, servings as a serial number (col 1, lines 10-24).

Allais also shows a two-dimensional array codes as shown in Fig. 2B.

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to integrate the teachings of Allais to the teachings of Goldenfield as modified by Uhling in order to increase the amount of data encoded into the barcode and therefore, providing more information describing the product.

Re claim 8 and 14: Allais discloses the claimed invention except for the serial number having six unique characters. It would have been obvious matter of design variation to include six unique characters, since the Applicant has not disclosed that the specific format of the serial number solves any state problem or is for any particular purpose and it appears that the invention would perform equally well with any other formats of serial number. Accordingly, it would have been an obvious modification of formatting the serial number.

### ***Response to Arguments***

3. Applicant's arguments with respect to claims 1, 9, 15 and 21 have been considered but are moot in view of the new ground(s) of rejection.

The Applicant has added new limitations, such as "axis of rotation," "being radially spaced apart," "two version," etc. The new limitations necessitated new search and consideration. Therefore, new grounds of rejection are presented and this action is made final.

***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Bell et al., U.S. Patent No. 5,216,234, discloses reflectors radially spaced apart.

Goldenfield et al., U.S. Patent No. 4,822,987, discloses a rod with bar code.

Hampson et al., U.S. Patent No. 4,493,989, discloses a container with bar code.

Kleeberg et al., U.S. Patent No. 6,527,181, discloses an object with surface identification.

Smart et al., U.S. Patent No. 5,032,854, discloses a radial barcode.

Uhling et al., U.S. Patent No. 6,199,765, discloses a 10 by 10 bar code.

Yoshida et al., U.S. Patent No. 6,021,283, discloses a radial bar code.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kumiko C. Koyama whose telephone number is 571-272-2394.

The examiner can normally be reached on Monday-Friday 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on 571-272-2398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Kumiko C. Koyama  
March 03, 2004



DIANE I. LEE  
PRIMARY EXAMINER